

Notice of Allowability

Application No.

09/817,033

Examiner

Naeem Haq

Applicant(s)

ISHIKAWA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/9/2005.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ The drawings filed on 27 March 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

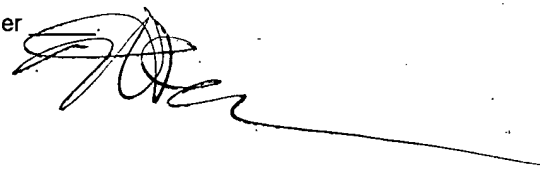
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 6/13/2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other



DETAILED ACTION

Response to Amendment

This action is in response to the Applicants' After-Final Amendment filed May 9, 2005. Claims 9-13 are cancelled. Claims 1-8 are pending and will be considered for examination.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Scott M. Daniels on June 13, 2005.

The application has been amended as follows:

Enter new claim 1 as follows:

A control method of competitive buying and selling, said control method comprising:

a first step in which a server opens a subject of buying and selling and a successful bid evaluation function thereof for calculating an evaluation value based on actual results of past bidding to a plurality of clients;

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a second step in which each of said clients makes a participant determine said subject of buying and selling and a bidding price thereof by using said successful bid evaluation function, and notifies a determined result to said server; and

a third step in which said server selects a bidding price of a participant who has a highest evaluation value based on said successful bid evaluation function of all bid prices received from the clients and said server designates the participant with the highest evaluation value as a successful bidder,

wherein said successful bid evaluation function is based on the equation:

$$\frac{\sum_{n=0}^N \frac{B_n}{W_n} (1 + R_n)}{M}$$

Enter new claim 2 as follows:

A control method of competitive buying and selling, said control method comprising:

a first step in which a server opens a subject of buying and selling and a successful bid evaluation function thereof for calculating an evaluation value based on actual results of past bidding to a plurality of clients;

a second step in which each of said clients makes a participant determine said subject of buying and selling and a bidding price thereof by using said successful bid evaluation function, and notifies a determined result to said server, and

a third step in which said server selects a bidding price of a participant who has a highest evaluation value based on said successful bid evaluation function of all bid

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prices received from the clients and said server designates the participant with the highest evaluation value as a successful bidder,

wherein said successful bid evaluation function is based on the equation:

$$\frac{\sum_{n=0}^N \frac{B_n}{W_n} (1 + R_n)}{M}$$

Enter new claim 7 as follows:

A competitive buying and selling system comprising a server and client,

said server comprising:

first means for opening a subject of buying and selling and a successful bid evaluation function thereof to a plurality of clients; and

third means for selecting a bidding price of a participant who has a highest evaluation value based on said successful bid evaluation function of all bid prices received from the clients and said server designates the participant with the highest evaluation value as a successful bidder,

each of said clients comprising:

second means for making a participant determine said subject of buying and selling and a bidding price thereof by using said successful bid evaluation function, and notifies a determined result to said server,

wherein said successful bid evaluation function is based on the equation:

$$\frac{\sum_{n=0}^N \frac{B_n}{W_n} (1 + R_n)}{M}$$

Enter new claim 8 as follows:

Computer-readable medium having program instructions for competitive buying and selling system having a server side program and client side programs recorded thereon,

said server side program comprising:

a first control program for opening a subject of buying and selling and a successful bid evaluation function thereof to a plurality of clients; and

a third control program for selecting a bidding price of a participant who has a highest evaluation value based on said successful bid evaluation function of all bid prices received from the clients and designating the participant with the highest evaluation value as a successful bidder,

each of said client side programs comprising:

a second control program for making a participant determine said subject of buying and selling and a bidding price thereof by using said successful bid evaluation function, and notifying a determined result to said server,

wherein said successful bid evaluation function is based on the equation:

$$\frac{\sum_{n=0}^N \frac{B_n}{W_n} (1 + R_n)}{M}$$

Allowable Subject Matter

Claims 1-8 are allowed.

The following is the Examiner's statement of reasons for allowance: Statement of allowance is in reference to independent claims 1, 2, 7, and 8. All other claims are dependencies of the independent claims.

The present application is directed to a method, system, and program for competitive buying and selling (e.g. auction). The Applicants' invention uses the bid price of a buyer as input to a bid evaluation function. The buyer with the highest evaluation value is determined to be the winner. The independent claims 1, 2, 7, and 8 recite the uniquely patentable feature that the bid evaluation function is based on the equation:

$$\frac{\sum_{n=0}^N \frac{B_n}{W_n} (1 + R_n)}{M}$$

Discussion of most relevant prior art:

The following references have been identified as the most relevant prior art to the claimed invention.

(i) US Patent 5,835,896 to Fisher et al. hereinafter referred to as Fisher. Fisher substantially discloses the claimed invention. However, Fisher does not teach or suggest determining the winner based on the equation recited in the independent claims.

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(ii) Business Wire *"Bid.com Launches Personalized Marketing Service For Its Customers; Use of Net Perceptions Real-time Recommendation Engine a First for Online Auctions"* (Retrieved from ProQuest) hereinafter referred to as Bid.com. Bid.com discloses using a bidder's bidding history to recommend items based on an individual's preferences. Bid.com does not teach or suggest determining the winner based on the equation recited in the independent claims.

(iv) Japanese Patent Publication 2002-163488 to Sugiyama et al. hereinafter referred to as Sugiyama. Sugiyama discloses a serial auction system. Sugiyama does not teach or suggest determining the winner based on the equation recited in the independent claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on (571)-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

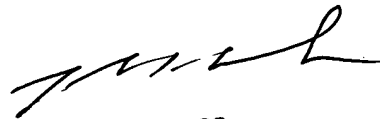
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naeem Haq, Patent Examiner
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June 13, 2005



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